IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 27934 of 2006(A)

PETITIONER:

PRADEESH V.,
VANNATHAN VEEDU, DOTTAPPANKULAM,
SULTHAN BATHERY, WAYANAD.
WORKING AS CASUAL PART TIME SWEEPER,
OFFICE OF THE COMMERCIAL TAX OFFICER,
WAYANAD AT SULTHAN BATHERY.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS:
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1. **THE COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM.**

2. **THE DEPUTY COMMISSIONER (AUDIT ASSESSMENT), COMMERCIAL TAXES, KOZHIKODE.**

3. **THE COMMERCIAL TAX OFFICER, (AUDIT ASSESSMENT), SULTHAN BATHERY, WAYANAD.**

4. **THE INSPECTING ASSISTANT COMMISSIONER, COMMERCIAL TAXES, KALPETTA.**

BY SR.GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.27934/2006 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 19/12/2002 IN O.P.NO.38515/2002 OF THIS HON'BLE COURT.**

EXT.P2: **COPY OF THE ORDER NO.W1-3954/01 DTD. 26/09/2003 ISSUED BY THE DEPUTY COMMISSIONER, WAYANAD.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 20/10/2005 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

EXT.P4: **COPY OF THE LETTER NO.A6-28305/03/TX DTD. 4/01/2006 SENT BY THE JOINT COMMISSIONER, COMMERCIAL TAXES, TRIVANDRUM.**

EXT.P5: **COPY OF THE COMMUNICATION NO.A1-2014/05 DTD. 19/06/06 SENT BY THE 4TH RESPONDENT TO THE 2ND RESPONDENT.**

EXT.P6: **COPY OF THE LETTER DTD. 1/07/2006 SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.**

EXT.P7: **COPY OF THE COMMUNICATION DTD. 1/07/2006 SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.**

EXT.P8: **COPY OF THE LETTER DTD. 11/07/2006 SENT BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.**

EXT.P9: **COPY OF THE LETTER DTD. 12/07/2006 SENT BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

V.GIRI, J.

W.P.(C).No.27934 of 2006 A

Dated this the 20th day of November, 2007.

JUDGMENT

Petitioner was a casual sweeper working in the office of the 4th respondent from 1.7.1998. The said office was then shifted to Kalpetta on 14.7.05. Petitioner was then engaged in the office of the 3rd respondent which was functioning in the same building in Batheri. But no post of part-time sweeper has been sanctioned in the office of the 3rd respondent. Petitioner continues to work at Batheri in the office of the 3rd respondent. Learned counsel for the petitioner submits that due wages has not been given to the petitioner on the ground that there was no sanctioned post in the office of the 3rd respondent.

2. In my view, in the light of G.O.(P) No.501/05, sanctioning of the post of part time sweeper is to be done by the Government.

In the circumstances, it is appropriate that the petitioner's claim be considered by the Government.

3. After having heard learned Senior Government Pleader, writ petition is disposed of in the following terms:

(a) Petitioner shall file a representation indicating his grievance before the Government within four weeks from today and thereupon, the Government shall, in accordance with G.O.(P)No.501/05 call for a proposal from the 3rd respondent including the details as regards the sweeping area in his office.

(b) After conducting necessary enquiries, appropriate orders will be passed by the Government on the representation to be filed, as expeditiously as possible, at any rate within a period of two months from the date of receipt of the representation.

(c) Payment of wages in terms of G.O.(P) No.501/05 shall also be made without delay.

(d) While passing orders, the Government shall keep in mind the observations made in the judgment in O.P.No.19186/05 and connected cases dated 2.11.2007.

Sd/-
(V.GIRI)
JUDGE

sk/

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